

Response

On page 3 of the Office Action, the Examiner stated the “specification nowhere states that, in the first step while establishing communication for the primary transaction data between the user and the system, the communication was directed only to those items which are currently available, as recited in the claim 172.”

Applicant respectfully directs the Examiner to the following portions of the instant application:

- 1) p.14, line 9: “Yet another possible input to the system includes inventory data. Such data serves to minimize or preclude the offering of goods or services to a potential customer which are not then available, or which will not be available in a timely manner.”
- 2) p.32, line 4: “Yet another form of database information includes inventory data 336. In determining the items for Upsell, the inventory database may be consulted before, during, or after the Upsell determination.

As such Applicant believes claim 172 is in condition for allowance and all the claims that depend from claim 172 are also in condition for allowance and respectfully requests they be placed in condition for allowance.

Respectfully submitted,

WEST CORPORATION

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